

10/581,898

As the Examiner will recall, the above identified application is a national stage completion of the International Application PCT/EP2004/013577 which has an international filing date of November 30, 2004. This PCT application claims priority from German Application Serial No. 103 57 112.4 filed on December 6, 2003 and an English translation of German Application No. 103 57 112.4, filed December 6, 2003, was previously submitted for consideration by the Examiner with the last response. Upon reconsideration reviewing the same, the Examiner will note that disclosure of German Application Serial No. 103 57 112.4 is essentially identical to the disclosure of PCT/EP2004/013577. That is, at least the inventive subject matter of the above identified application is entitled to the December 6, 2003 priority date of German Application Serial No. 103 57 112.4 which is over four (4) months earlier than the effective date, e.g., the April 28, 2004 filing date of Publication No. 2005/0076541. Accordingly, neither Von Blucher '673 nor Von Blucher '541 is a proper prior art reference with respect to the above identified application.

The Applicant acknowledges that the additional reference of Pacanowsky et al. '447 may arguably relate to the feature(s) indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Von Blucher '673—which is no longer an effective prior art reference—with this additional art of Pacanowsky et al. '447 still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

In view of the above, the Applicant respectfully submits that neither Von Blucher '673 nor Von Blucher '541 is a proper prior art reference with respect to the above identified application and all of the raised rejections, under 35 U.S.C. § 102(a) or 35 U.S.C. § 103 in view of Von Blucher '541 alone or in combination with Pacanowsky et al. '447, should be withdrawn at this time.

If any amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Von Blucher '541 and/or Pacanowsky et al. '447 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

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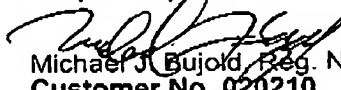
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In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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